

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 29, 2022

[Cite as *12/29/2022 Case Announcements*, 2022-Ohio-4728.]

MERIT DECISIONS WITH OPINIONS

2020-0341. *Lycan v. Cleveland*, Slip Opinion No. [2022-Ohio-4676](#).

Cuyahoga App. Nos. 107700 and 107737, [2019-Ohio-3510](#). Judgment reversed and cause remanded.

Kennedy, Fischer, and DeWine, JJ., concur.

Stewart, J., concurs in judgment only.

O'Connor, C.J., dissents, with an opinion joined by Donnelly and Brunner, JJ.

2021-0579. *State v. Bunch*, Slip Opinion No. [2022-Ohio-4723](#).

Mahoning App. No. 18 MA 0022, [2021-Ohio-1244](#). Judgment reversed and cause remanded to the trial court.

Donnelly, Stewart, and Brunner, JJ., concur.

Beatty Blunt, J., concurs and would adopt proposition of law No. II as well as proposition of law No. I.

O'Connor, C.J., dissents.

Kennedy, J., dissents, with an opinion joined by DeWine, J.

Laurel Beatty Blunt, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

2021-0718. *McClain v. State*, Slip Opinion No. [2022-Ohio-4722](#).

Hamilton App. No. C-200195, [2021-Ohio-1423](#). Judgment affirmed.

O'Connor, C.J., and Kennedy, Fischer, and Stewart, JJ., concur.

DeWine, J., concurs, with an opinion joined by Kennedy and Fischer, JJ.

Donnelly, J., dissents, with an opinion joined by Brunner, J.

2021-1168. Ohio Power Co. v. Burns, Slip Opinion No. 2022-Ohio-4713.

Washington App. Nos. 20CA19 through 20CA22, [2021-Ohio-2714](#). Judgment affirmed in part and reversed in part and cause remanded to the trial court.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

Brunner, J., dissents as to proposition of law No. III but otherwise concurs.

2021-1440. TWISM Ents., L.L.C. v. State Bd. of Registration for Professional Engineers & Surveyors, Slip Opinion No. 2022-Ohio-4677.

Hamilton App. Nos. C-200411 and C-210125, [2021-Ohio-3665](#). Judgment reversed and cause remanded.

Kennedy, Fischer, DeWine, and Donnelly, JJ., concur.

O'Connor, C.J., and Stewart and Brunner, JJ., concur in judgment only.

2022-1036. Cleveland v. Rudolph, Slip Opinion No. 2022-Ohio-4682.

Cuyahoga App. No. 111128, [2022-Ohio-2363](#). Judgment affirmed as to proposition of law Nos. I and III on the authority of *State v. Brasher*, ___ Ohio St.3d ___, [2022-Ohio-4703](#), ___ N.E.3d ___, and proposition of law No. II dismissed as having been improvidently accepted.

O'Connor, C.J., and DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

Kennedy, J., concurs in judgment only in part and dissents in part and would not dismiss the cause as to proposition of law No. II.

Fischer, J., concurs in part and dissents in part and would order briefing on proposition of law Nos. I and III.

AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial-disqualification opinions, which were previously issued as entries in response to affidavits of disqualification filed pursuant to R.C. 2701.03.

22-AP-140. In re Disqualification of Ondrey, [2022-Ohio-4714](#) (decided Dec. 1, 2022).

22-AP-148. In re Disqualification of Allen, [2022-Ohio-4715](#) (decided Dec. 14, 2022).

MOTION AND PROCEDURAL RULINGS

2022-1047. State v. Bertram.

Scioto App. No. 21CA3950, **2022-Ohio-2488**. On appellant's motion for the appointment of the Office of the Ohio Public Defender. Motion granted. Office of the Ohio Public Defender appointed to represent appellant.

2022-1475. State v. Berk.

Franklin App. No. 21AP-121, **2022-Ohio-2297**. On appellant's motion to introduce a corrected affidavit of indigence. Motion denied.

RECONSIDERATION OF PRIOR DECISIONS

2022-0164. State v. Polizzi.

Lake App. Nos. 2020-L-016 and 2020-L-017, **2021-Ohio-244**. Reported at 166 Ohio St.3d 1504, 2022-Ohio-1606, 187 N.E.3d 552. On motion for reconsideration. Motion granted. Appeal accepted on proposition of law Nos. I through IV, judgment reversed, and cause remanded to the court of appeals for application of *State v. Gwynne*, __ Ohio St.3d __, 2022-Ohio-4607, __ N.E.3d __.

Kennedy, J., dissents and if reaching the merits would affirm the court of appeals' judgment for the reasons set forth in her dissenting opinion in *Gwynne*.

Fischer and DeWine, JJ., dissent.